

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
10

11 HORACE C. HOUSTON,

12 Petitioner,

13 vs.

14 E.K. McDANIELS, *et al.*,

15 Respondents.  
16

)  
)  
) 3:11-cv-00438-ECR-VPC  
)  
)  
)

**ORDER**

17 This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a  
18 state prisoner, is proceeding *pro se*. Petitioner has filed a motion to proceed *in forma pauperis* (ECF  
19 No. 1). Based on the information concerning petitioner's financial status, the court finds that the motion  
20 to proceed *in forma pauperis* should be granted. Petitioner shall not be required to pay the filing fee for  
21 his habeas corpus petition. The petition (ECF No. 1-1) will be ordered filed and docketed.  
22

23 **IT IS THEREFORE ORDERED** that petitioner's motion to proceed *in forma pauperis* (ECF  
24 No. 1) is **GRANTED**.

25 **IT IS FURTHER ORDERED** that the Clerk shall **FILE** and **ELECTRONICALLY SERVE**  
26 the petition (ECF No. 1-1) upon the respondents. A petition for federal habeas corpus should include

1 all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition,  
2 he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b)  
3 (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify  
4 the court of that as soon as possible, perhaps by means of a motion to amend his petition to add the  
5 claim.

6 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry of  
7 this order within which to answer, or otherwise respond to, the petition. In their answer or other  
8 response, respondents shall address any claims presented by petitioner in his petition as well as any  
9 claims presented by petitioner in any statement of additional claims. Respondents shall raise all  
10 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and  
11 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,  
12 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the  
13 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**  
14 **five (45) days** from the date of service of the answer to file a reply.

15 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney General  
16 of the State of Nevada a copy of every pleading, motion, or other document he submits for consideration  
17 by the Court. Petitioner shall include with the original paper submitted for filing a certificate stating the  
18 date that a true and correct copy of the document was mailed to the Attorney General. The Court may  
19 disregard any paper that does not include a certificate of service. After respondents appear in this action,  
20 petitioner shall make such service upon the particular Deputy Attorney General assigned to the case.

21  
22  
23 DATED this 29<sup>th</sup> day of June 2011.

24   
25 UNITED STATES DISTRICT JUDGE  
26